Previous references.

~~G.O. No.~~ G.F. 249 99-00.

File No. 100

1904

(111 Counts.)

Later references.

Castle file No 194-Sls. 1-B
Part B, for February 06

Sls 94 806
Sls 4-8, 10412 B Nov. 07

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

PART B FOR May 1905

SUBJECT.

Defalcation by Lehendara Sekhariah late Nazar of the Principal Munsif's Court at Bangalore.

P.T.O

FILE No. 100 of 1904-05.

Defalcation by Chandrasekharaiya, late Nazir of the Principal Munsiff's Court, Bangalore.

1 From the Registrar of the Chief Court of Mysore, No. 1712—100, dated the 14th September 1904.

States that out of a sum of Rs. 500 deposited by one Y. Nanjundappa, plaintiff in O. S. No. 2029 of 1897-98, on the file of the above said Court, a sum of Rs. 442-2-8 was defalcated by Chandrasekharaiya, and requests the sanction of Government for a sum of Rs. 442-2-8 being drawn from the Treasury as an advance for payment to the plaintiff in question, the amount being recovered from the officers, who may be held liable to make good the loss. (Enclosure one.)

2 To the Registrar of the Chief Court, and the Comptroller to Government, Government Proceedings No. J. 882-3—C. 100-2, dated the 6th October 1904.

Sanctions an advance of Rs. 442-2-8 being drawn from the Treasury as advance and paid to the plaintiff Nanjundappa, the amount being adjusted by the presiding officer or officers to whose defective supervision in the defalcation is traceable, and requests the Chief Court, to enquire into the matter, and to make a report in due course and to submit to Government for orders a consolidated list showing the amounts defalcated by Chandrasekharaiya.

I. of 24 of 1899-00.

3 From the Registrar of the Chief Court, No. 5607—316, dated the 8th April 1905.

Submits a report on the sums defalcated by Chandrasekharaiya with a statement of the sums required for payment to parties in consequence.

4 To the Registrar of the Chief Court, Government Proceedings No. J. 3310-11—C. 100-4, dated the 19th May 1905.

Revises the list of sums payable by certain of the presiding officers of the Principal Munsiff's Court of Bangalore on account of the defalcations committed by the late Nazir of that Court, Chandrasekharaiya during their presiding periods, and requests the Registrar of the Chief Court to communicate the apportionment to the officers concerned and states that as opined by the Chief Court the question of further recoveries will be deferred till the claimants come forward and establish their claims.

G.R.S. 11] 1904.05

GENERAL AND REVENUE SECRETARIAT.

(Courts.)

NOTES.

File No. 100.

FILE HEADING.

Defalcation by Chandrashekharaiyya, Late Nazir of the Principal Munsiff's Court, Bangalore.

From

The Registrar of the Chief Court

No. 1712/100 Dated the 11th September 1905 Received 15th September 1905

Diary No. 1620	Enclos. one	Spare Copies. -	Serial No. 1.

BRIEF ABSTRACT OF LETTER.

States that out of the Sum of Rs 5000- deposited by one Y. Ranjundappa, Plaintiff in O.S. No 1029 of 1897-98 on the file of the above Court, a Sum of Rs 442-2-8 was defalcated by Chandrashekharaiyya a Nazir of the Court of Sub. the above amount being drawn as advance from the Treasury for payment to the Plaintiff in question, the amount being recovered from the officer who may be held liable to make good the loss.

NOTES AND ORDERS.

It is stated that this defalcation was effected to meet payments of 3 other parties whose deposits the Nazir had misappropriated. viz. payments of (a) Rs 204- to one Lakshmaiah who had a deposit of Rs 3 50- to his credit, (b) Rs 139-2-8 to one Krishnaswamy

Notes—First sheet.

MGCPB—5,000—18-5-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 100 of 1906-05

Serial No.

Mode, and Rs 100 for payment to one Doddanayappah. It is stated that this defalcation occurred when the Court was presided over by Mr Sreenivasa Rao, who has stated his inability to render an explanation unless a period of 4 months is given to him to enquire into accounts.

When an advance of Rs 267-12-2 was sanctioned for payment to one Sanapathy Chetty whose deposit the same Nazir had defaulted, the Chief Court was asked to submit a final list of sums misappropriated by the Nazir with their opinion as to the responsibility of the officer or officers during whose presiding period the defalcation occurred. The Registrar now submits the present reference does not state whether this is all the sums which have to be accounted for by the late Nazir. The Registrar

Submitted for orders.

24/9/04.

3 The Registrar's letter is silent on the point whether the Chief Court considers any other officer than Mr. Sreenivasa Rao responsible for the defalcation if any that may have occurred during his presidency. 24-9-04

NOTE—Contn. sheet

MGCPB—10,000—31-8-04.

G. & S. 12]

General and Revenue Secretariat.

File No. 100 of 190 4

Serial No.

4 The advance may be sanctioned ; and the attention of the Chief Court invited to para 4 of Govt Proc marked A wherein they were requested not to send up isolated cases for orders but to submit a Consolidated list showing the amounts to be accounted for by the late Nazir and due to the parties.

5 The advance will have to be adjusted by the presiding officers to whose defective supervision the defalcation is traceable. The Chief Court may be asked to make an enquiry into the matter and send up a report to the Govt.

Dewan Sahib Key) 26/9

6 I think so too. Submitted to the Dewan Sahib thro' the 1st Councillor.

26.9.1904

Govt 26/9 656 26.9.1904

7 What a pity such cases still continue to come in? The payment in question however cannot well be deferred or refused - (illegible)

27-9-1904

Govt 27/9 1848 28.9.04.

27-9-04

MGCPB—10,000—31-8-04.

General and Revenue Secretariat.

File No. 100 of 190 4

Serial No.

1971

I have the honour to submit a report in the matter which is under the first objection. See the Registrar's suggestion concurred in by the Legal Advisor's 29.IX.04 Minute

Draft accepted 30/5/1904

Draft Sd. 7/10/04. 1-10-04

Draft passed 4/10.

10 Draft passed 6-10-1904

2. Sub Asst No. J 82-3 / C 100.2 of the 6th Oct 1904. The Registrar's brief bound of the pamphlet Appeal

Sanctions the advance of Rs 442-2-8 being drawn as advance from the Treasury & paid to the plaintiff in question, the amount being adjusted by the presiding officer or officers to whose depositions supervision the defalcation is traceable & requests the Chief Court to enquire into the matter & report in due course. & to submit Appeal a Consolidated list showing the amount & the accounts for by Chandrakekharayya

NOTE—Contn. sheet.

MGCPB—10,000—31-8-04.

G.R.S. 12]
General and Revenue Secretariat.

File No. 100 of 190 4

Serial No. 3

From the Registrar of the Chief Ct. Nr. 5689/3/6 dd 8/4/05

Submits a consolidated list of the sums defalcated by Chandrasekharaiya, with the name of the officers responsible therefor

II Information is now furnished as regards 1) Rs 24-14-0, asked to be advanced for payment to one Bandaranna, Offg in OS Nr. 1373 of 1895-96, on the file of the Principal Munsiff's Court Bangalore

2) Rs 300/- sanctioned for payment to Venkatappa Offg. in OS Nr 2358 of 1897-98 on the same file

3) Rs 247-12-2 sanctioned for payment to one Sampathiengar, Offg in OS. Nr. 357 of 97-98 on the above file

4) Rs 462-2-8, sanctioned for payment to one Narayanappa, Offg in OS Nr 203 of 1897-98 on the same file

12 The sum that has already been sanctioned in connection with the defalcation of Chandrasekharaiya amounts to

13 Rs 1636-6-10, sanctioned in first Proc Nr 1642-43 dd 4/6/01 & 866-67 dd 18/7/01.

14 The total sum sanctioned thus comes to Rs 1636-6-10 + 24-14-0 + 300-0-0 + 247-12-2 + 462-2-8 = Rs 2,671-3-8

15 As regards item Nr (1), the Nr B. Sreenivasa

NOTE—Contn. sheet.]

Serial No.

Pleas of the late Mr Vandeleur, seem to be responsible.

As regards item No. (2), both the above officers are held responsible

As regards items Nos (3) & (4), viz Rs 247-12 & 442-2-8, the latter sum including a sum of Rs 57, from the former is said to have been misappropriated during Mr Gs Srinivasa Rao's time & the remainder during Mr late Vandeleur's period

16 The Chief Court has now fixed the claims in account of misappropriation by Chandrasekharaya audited it is stated that though the total amount misappropriated as at present audited, comes up to Rs 12137-7-8. as per statement below it is not possible to say what claims will still have to be met. & that the Chief court states that it will be best to wait till the claimants come forward & establish their claim

17 The details of the appropriation are

1) 1505-1-8; from "Vichara batta & belonging to several cases
2) 6057-2-5; from "Decree amounts & 1
3) 4135-3-7;

Rs 12137-7-8

NOTE—Contn. sheet.

Serial No.

Rs 47-0-0. Said to have been misappropriated during Mr B. Rama Swamy Ayyangar's period

Rs 75-0-0 " A. Subramanya Iyer -

Rs 3-0-0 " J.S A. D'Cruz -

Rs 8807-2-5 " P. Singaravelu Chetty

Rs 5005-10-10; duplicate " D.J. Vandelooven's period

& Rs 4155-6-5. during Mr B. Seeni Vasu Naidu's period.

18 Mr B. Rama Swamy Ayyangar has already been requested for any claims & payment of the sums in Govt Orders Nos. 1672-3 dt 25/3/03 & 2211 dt 17-4-03 A sum of Rs 2165-0-0; Rs 2515-12-5 & Rs 845-2-3 has already been ordered to be received from messrs P. Singaravelu Chetty; late Mr D.J. Vandelooven; & Mr B. Seeni Vasu Naidu. (vide Asst Collr Nagapattinam's letter No 5326/202 dt 16/3/03).

20 Mr D.J. Vandelooven having died, payment of about Rs 4000/- the remainder has been asked to be written off in the accounts & also the remaining sum of Rs (5005-10-10 - 2515-12-5) Rs 2493-14-5 will have to be dealt with perhaps.

21 Mr Singaravelu's explanation is already received in the proc above quoted. Perhaps the same explanation might be forthcoming as to the present sum also as the same he has already been asked to pay, with a sum of Rs 638-2-5 will have to be added

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General and Revenue Secretariat.

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Serial No.

22 Mr B. Srinivasa Rao's explanation has been furnished. He pleads inability to furnish satisfactory explanation at such a late period, with his prefect hand paralysed as he is. He will have to pay an addl sum of Rs. (4155-6-5-825) = Rs 3746-4-2.

23 Messrs Subramanya Ayer & J. D'Cruz's explanation will have to be fwd. also.

~~But as the Chief Court would prefer waiting till the claimants case for the~~ ~~leave & Mr Rao's claim~~

Submitted for orders

29/4/05 29/4/05

24 This is a difficult matter to dispose of satisfactorily. Of the officers during whose time the defalcations occurred, the one responsible for the largest amount (Mr Vanderlaven) has recently died, a fact which precludes further recoveries from his estate, except perhaps by way of a troublesome & complicated suit, the results of which may be as likely to be a disappointment to Govt.

25 Mr Srinivasa Rao's case is a very pitiable one; and his request to be allowed an opportunity for a regular & detailed enquiry is by no means an unreasonable one.

Stitch, addl sheets

NOTE—Comm. sheet.

G.R.S. 12]
eneral and Revenue
Secretariat.

File No. 100 of 1904

Serial No.

Under the order of 6-3-03 No 1372-3.

Result of want of care & caution 1-5-1905

26 Both he and Mr Srinivachar (and in a smaller measure Messrs Krishnaswamy Iyengar & Sivaprakasam Pillai) are in the unfortunate position of being called upon to ~~perhaps~~ sacrifice a goodly part of the savings of a life-time, to meet claims springing up several years after the tenure of their particular offices, — claims which they can only adequately meet by being accorded the freest access to past accounts and records and full opportunity for presenting and arguing their case before a Board or tribunal on which both Laws & Accounts may be represented. 27 Such a body would not only determine with adequate authority the respective liabilities of the various officers concerned, but would also suggest remedies for relieving judicial officers, as far as may be, of unconscionable & unnecessary responsibility (~~[illegible]~~) outside their proper functions as Judges.

28 As it is, we have ~~many~~ only now on a statement prepared by ~~an Auditor~~ a subordinate official of the Taluk of an Auditor, and based admittedly on imperfect and manipulated materials.

29 The Chief Court abstain from expressing

MGCPB—10,000—31-8-04.

G.R.S. 12j

General and Revenue Secretariat.

G. C. File No. 100 of 1904-05

Serial No.

any opinion of theirs on the judicial liability of the officers concerned, & content themselves with saying that "the best thing appears to be to wait till the claimants come forward and establish their claim."

30 If the course suggested above, viz the appointment of a board of enquiry, does not meet with approval, orders are requested as to how the matter is to be disposed of.

Secy 1.5.05

Submitted to the Devansahib thro the Sr Councillor for orders.

31 Lost money must be found & perhaps those that were negligent have to make good the loss. G. 1.5.1905

2514/3-5-05 Actg.

32 The total amount of defalcations has since the date of the Chief Accts report of 16-3-03 been ascertained to have risen from Rs 5-5-3 4-14-1 to Rs 12-13-7-7-8 The observations made in that letter will then have to be materially revised as follows, having regard to the recoveries

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Serial No.

enumeration of the case, the penalty already imposed is allowed to remain & the balance is ordered to be written off or kept pending

Ordered accordingly

Mr Swyrachan 2169-15-3 — 2808-5-8

" Vandenlowen 2575-12-5 — 5009-10-10

" B. Sreenivasa Rao 849-2-3 — 4195-6-5

" Subramanya Iyer " — " — 75-" -"

" D'Cruz " — " — 3-" -"

33 Mr Vandenlowen is dead, & the amount shown against him will probably have to be written off the accounts. Mr Sreenivasa Rao does not seem to be in a position to pay the heavy amount shown against him. Mr Swyrachan has already been mulcted in the large sum of Rs 2169-15-3 & his case seems a hard one. The explanations of Messrs Subramanya Iyer & D'Cruz may be obtained.

34 Of the total amount embezzled, the claims preferred & admitted up to date amount only aggregated Rs 2657-3-8, and these are more than covered

If for a further order in case any recoveries are effected hereafter

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Serial No.

by the sum of Rs 5-5-34-14-1 abandoned as per ~~reported to the~~ Chief Court's letter abovo of 16/3/05. It is not known how many other claims have been otherwise adjusted or will be abandoned and whether how many will be accepted be preferred. Hence the Chief Court observes that "the ~~it~~ they appear to be to wait till the claimants come forward and establish their claims This observation may, I submit be accepted & further orders as to whether ~~imposing~~ any addl liability should be imposed on the Officers concerned, reserved This is not altogether a satisfactory solution but I cannot think of any more satisfactory

(*) Vide para 2 of the said letter of the H.C. thereon dy 16/4/05

By Records 19/5/05

63.78 / 6/5/05

35 Reappointment may be ~~reserved~~ and communicated to the addl Offrs concerned - For the rest the ~~ord~~ order of the Chief Court may be accepted

36 Drafts accd. 6/ 1,476 / 7.V.05 Issued 10/5/05

37 Drafts Issued 13.5.05

38 Issued 17.5.1905

MGCPB—20,000—1-11-04

G.R.S. 12]

General and Revenue Secretariat.

C File No. 100 of 1904

Serial No.	
4	Govt Order No. J 3310-11 of the 7th May 1905 to the Registrar of the Chief Ct & the Transr to Govt. Revises the list of sums payable by certain of the presiding officers of the Principal Munsiffs Court at Bangalore on account of defalcations committed during their presiding periods by the late Nayni, Chandrasekharayya; requests the Registrar of the Chief Ct to communicate the apportionment to the officers concerned & adds that as opined by the Ch. Ct the question of further recoveries will be deferred till the claimants come forward & establish their claims

J 620

N 1712/100 Sec 2 GBW 1 2ib W/a-a

Bangalore, 14th September 1904.

From

.A.Rajaratna Mudaliar Esquire,

Registrar of the Chief Court of Mysore.

To,

B.K.Venkatavaradiengar Esquire,

Secretary to the Government of Mysore

Genl; & Rev: Deptts.

Sir,

I am directed to state that Y.Nanjundappa, Plaintiff in Original Suit No.2029 of 1897-98(for redemption of mortgage) on the file of the Principal Munsiff's Court, Bangalore, deposited in Court on the 20th January 1898 the sum of Rs 500/- (mortgage amount) for payment to 1st Defendant. The suit was subsequently transferred to the Additional Munsiff's Court, Bangalore, and disposed of adversely to the Plaintiff. He has now applied for repayment of the sum deposited by him. It is found ~~th~~ that Rs 442-2-8 out of the deposit amount had been defalcated by Chandrasekariah, late Nazir of the Principal Munsiff's Court, Bangalore and the balance Rs 57-13-4 has lapsed to Government.

2. A reference to the Judicial Deposit Register of the Principal Munsiff's Court and vouchers, discloses the fact that the defalcation was effected by Chandrasekariah in order to meet claims of parties in other cases whose monies he had misappropriated as particularized below.

3. A sum of Rs 203/- out of the said deposit of Rs 500/- was drawn by the Nazir by Cheque No.19 dated 19th August 1898 for payment to one Lakshmiah who had a deposit of Rs 350/- to his credit, but from that sum monies to the extent of Rs 203/- had been paid away to some other parties whose amounts appear to

have been misappropriated by the Nazir.

Another sum of Rs 139-2-8 was drawn by Cheque No.25 dated 27th August 1898. This was for payment to Plaintiff Krishnasamy Mudr. whose deposit to the extent of Rs 581-8-0 had been paid away to some other parties, leaving only a small sum of Rs 23/- out of it. When Krishnasamy Mudr. had to be paid Rs 162-2-8 out of the said deposit which had been already operated upon, the Nazir had recourse to the deposit of Rs 500/- now in question and drew from it Rs 139-2-8 to make up the sum wanting for payment to Krishnasamy Mudr.

5. A further sum of Rs 100/- was drawn by the Nazir by Cheque No. 30 from the same deposit and paid to one Dodnanjappah whose deposit to the extent of Rs 100/- having been utilized for payment to one Narahara Char for whose credit a sum of Rs 94-14-5 had been deposited by one Bheemasena Rao. The balance of Rs 5-1-7 out of the deposit to the credit of Dodnanjappah had been allowed to lapse to Government.

6. The defalcation of the amount in question occurred when the Court was presided over by Mr.Srenevasa Rao, copy of whose letter to the address of the District Judge, who called on him for explanation is herewith forwarded.

7. I am to request that you will be so good as to obtain the sanction of Government for a sum of Rs 442-2-8 being drawn from the Treasury as an advance for payment to the said Y.Manjundappah subject to its recovery from the officers who may be held liable to make good the loss.

I have the honour to be,

Sir,

Your Most Obedient Servant;

REGISTRAR.

mm

DISTRICT COURT
BANGALORE.

Bangalore
26/7/04.

3

The District Judge Bangalore Division

Sir,

With reference to your notice no 320/70 Received yesterday evening after 6 P.M. I beg leave to submit as follows:—

2 Chendrasekharia was nazir from 1886, but the Auditor examined only the accounts from 1890. Money of one party was paid to another, and that other's money to a third person and so on during the whole time Chendrasekharia was nazir. It is believed that from 1886 to 189 the practice of paying money to parties from the general funds in the nazir's hands was in vogue in the Principal Munsiff's Court, as stated by Mr. Singrachar, the present Sub-Judge, who was the then presiding Munsiff. To ascertain whether a given sum of money was misappropriated or not, it is necessary to go into the whole of the accounts of the Court with those the treasury from 1886 to 1899. This would necessarily take some months' time. I submit for perusal an extract of paras 4 & 5 from my memorial to His Highness the Maharaja which is pending before the Government

3 Before attempting to draw up my explanation in this case, I want to see the all cheques the R. orders, the record

of the suit, and the cash and the other registers, and satisfy myself as to whether the amount in question was misappropriated, or whether according to the former practice the money of one party was merely paid to another. I believe the cheques are in the Comptroller's office. On obtaining his permission on application, I have to go to his office and see them there. The records of the case, the registers and the R~~e~~ Orders ~~&c~~ are in the Munsiff's Court. I have to go there and see them. But I am unable to do so at present as I am suffering from rheumatic pains, fever and general debility caused by the ague I had ~~in~~ last month and in may also. Consequently I am in a very weak state of mind to think over the matter and draw up my explanation, which I believe would be necessarily long. Further I want to get the auditor's report and see whether or not the amount in question is included therein.

After I recover from illness I have to do all that is said in paras 2 & 3 above, and it would take at least three or four months. I submit that the 5 days' time given me is quite inadequate. I solicit that four months' time may be kindly given to me under the said circumstances, to submit my explanation.

I beg to remain Sir,
Your most obedient servant
P. Sreenivasa Rao

Extract from the Memorial

Para. 4 The auditor's report does not state when the defalcation first began, what the starting amount was, to whom that money belonged, and what device was employed in the acct. to evade detection and who the presiding officer at the time was. Without testing the correctness or otherwise of the previous year's acct., the auditor has assumed that there was no defalcation prior to January 189 though the same Chendrasekaria was manager from April 1886 in the same court. It is suspected that in order to cover up some defalcations committed prior to the year 1886 Chendrasekaria started his own way.

Para. 5. The gist of the auditor's report is to the effect that money properly payable to one party was paid up to another an the money due to that other was paid out of the money belonging to a third person and so on for a number of years The auditor does not fix which parte Sum was originally misappropriated, a which other sum was misused to cov If he had examined the

the ~~mtg~~ ~~f~~ ~~n~~ the beginning he would have been in a position to ascertain that fact

x x x

Extract from Phenevas Rus

B

Bangalore 2nd November 1903

To Rajaratna Mudaliar Esquire,
Registrar, Chief Court
of Mysore,

Sir,

With reference to para 7
of Mr D. Seemaiah's Report in
relation to the claim of Boudiam
Lingappa for Rs: 24-14-0, which
he says he should make good
on the ground that Chique
Moodaliar dated 7th July 1898 was
"prepared personally by me
and that I elected for Kaiga
I respectfully beg to state
that I was appointed Head
Minister of the Bangalore
Principal Moonsiff's Court
on 8th June 1898 on the Sus-
pension of my predecessor
in office and continued in

in question, No: 3 dated 7th July 1898, Cannot the time under the above state of affairs avoid to the best of my belief I beg to state that I never acted as Nazir during the short tenure of my office (Head Munshi) for about 3½ months nor under the confused state of office, had I any time to attend to the Nazir work, nor was the Nazir to transact any business at any time during that period.

3. I herein beg to bring to your kind notice that the above was to the best of my knowledge the actual procedure in practice then

in

in all the Munsiffs Courts
and that I had no reason
whatever than to suspect the
Conduct of Chendrasekharayya,
who was subsequently convicted
for Misappropriation &c., as
Nazir. As he was an old
Government Official directly
dealing with the Munsiffs
who were long in the Judi-
cial Department and who
were supposed to be better ac-
-quainted with all the
Circulars and the Rules of
Practice of the Judicial
Department. Whereas, my-
self was a new man to
the work of the Munsiffs'
Court having been all
along in the Chief Court
and District Court, Bangalore,

and was then only a month
old in the Head Munshi's 8-6-98
place when the Cheque 7-9-98.
in question was issued.

Under the foregoing
circumstances I respectfully
submit that I am not
blamable for the misdeeds
of the Nayar Chandrasekha-
rayya who was directly
under the Control of the
then Munsiff Mr B Greene
vasa Row and that I
therefore cannot be held
responsible for the amount
in question.

I beg to remain,
Sir,
Your most obedt. Servant;

Advocate
Clerk, Chief Court
of Mysore

Sunder Ram was asked explain
why he untralled Cheque
No: 3. d. 7. 7. 08 for Rs 50
(prepared by Nazir) instead
satisfying himself that
it was correctly prepared

4/12/08.

Ref:- Nazir - The Rupee may
take whatever action they see
fit to his recommendations on
cheques &c.

10/12/08

The deposit Register, Receipt
Order & Cheque Books of the P.C.
Mfg Co were sent for and
shown to the Judge Cheque
No 3 is found to have been
prepared by Nazir Chandrashekar
who was in charge of cash transactions
The Counterfoil is ~~not~~ untralled
untralled by Sunder Ram the
then Asst. Manager. The cheque
was signed by Mr Srinivasa Rau

11/12/08

Sunder Ram has entered
the duty in the Deposit Register
was the Nazir, the responsible officer
under the rules and should have
initialled what appears - No: Normally
such pieces of evidence in the charge-
sheet, which will form the basis of

may
and Sunder Ram be asked to make
good the amount in
first instance. What happened
to the cheque after it was
signed by Mr Srinivasa Rau
does not appear in the
evidence recorded.

12/12/08

G.R.S. 28]

File No. 100

Serial No. 2

Diary No. of letter replied to 1620

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(Courts)

, *the* 6/10/04 190

Date of issue 6/10/04

Signed by Mr. D. M. Sterling
Law

READ.—

Letter No. 1712/100 dated the 16th September 1904 from the Registrar of the Chief Court stating that out of a deposit of a sum of Rs 500 by one Vanjundappa, plaintiff in O.S. No. 2029 of 1897-98 on the file of the Principal Munsiff of Bangalore, a sum of Rs 442-2-8 was defalcated by Chandrashekharayya, late Nazir of the said Court, and requesting the sanction of Government to the above amount being drawn from the Treasury as advance for payment

over

SUBJECT

to Plaintiff Nanjundappa, the amount being recovered from the officer or officers who may be held liable to make good the loss

Rdr. Recd - 9 4882-3 dt 6/10/24
D. Court's letter 1080-2

As recommended by the Chief Court the Government are pleased to sanction an advance of Rs 442-2-8 being drawn from the Treasury and paid to the plaintiff in question

2 The amount shall be adjusted by the presiding officer or officers to whose defective supervision the defalcation is traceable.

3 The Chief Court is requested to enquire into the matter and send a report to Government in due course.

4. The attention the Chief Court is also invited to para 4 of Govt Notfn No. 184-2 (Judl-99-08)

16

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT

(*Continuation Sheet draft form*)

dated the 3rd August 1904, and
~~stated therein~~ as aforesaid, they are requested
to submit for sanction a consolidated
list showing the amounts to be
accounted for by the late Nazir Chandrasekhara Aiyyan
and due to the parties, instead
of ~~consolidated~~ cases like the present
requesting sanction in

6/
6-10-1904
Secretary

Dlee 4-10

To the Registrar, Civil Courts.
The Chamberlain to the Govt.

Rg
1/10/04. MR
1-10-04.

Cpd: V. Sh. K. 6-10-04.
Exmd: MR 6.10.04

Bangalore.

8th April 1905

From

V.A.Rajaratna Mudaliar Esquire,

Registrar, Chief Court of Mysore.

To

B.K.Venkatavaradiengar Esquire,

Secretary to the Government of Mysore,

General and Revenue Departments.

Sir,

Adverting to the marginally noted Proceedings of Government sanctioning the payment of certain sums to parties on whose account they had been held in Judicial deposit but were misappropriated by the late Nazir Chandersekhariah of the Principal Munsiff's Court, Bangalore, and calling for a report as to the officer or officers responsible, on account of whose laxity of supervision such defalcations occurred, together with a consolidated list showing the amounts to be accounted for by the said Nazir and due to parties, I am directed to report as follows:-

No.J.1479-80 dated 19th March 1903 (Rs.24-14-0)

No.147-48/J. dated 16th July 1903 (Rs.300.)

No.281-2 (24 of 1899-1900)/J. dated 2nd August 1904. (Rs.247-12-6).

No.J.882-3/C.100-2 dated 6th October 1904. (Rs.442-2-8).

1. Regarding the item of Rs.24-14-0 sanctioned for payment to Bandamma, I am to state that the sum was sent to the Treasury by a Receipt Order No.82, along with three other items of deposits relating to other cases. This was an irregular procedure being opposed to Circular Letter No.108 dated 13th June 1892. This item should have been paid to Bandamma (Plaintiff in O.S.No.1373 of 1895-96), but was withdrawn by Cheque No.3 and paid to one Kambay

Gouda

Gouda, whose deposit amount was by the issue of another Cheque No.38 utilized for payment in some other case. Both these Cheques were signed by the Presiding officers without proper scrutiny. Cheque No.3 was signed by the retired Munsiff Mr.Sreenivasa Row and Cheque No. 38 by retired Munsiff Mr.Vanderlowen. Both these were called upon to explain why they signed these Cheques without calling for the Receipt Order file and satisfying themselves that the numbers of cases and names of parties mentioned therein, agreed with those given in the Receipt Orders which related to them. The explanations submitted by them together with the one submitted by the then Head Munshi Sunderam Row (now a clerk in the Chief Court) are herewith submitted.

(2). Regarding the item of Rs.300 - This sum was also utilized for payment in other cases by the issue of the Cheques Nos.114 and 36, the former signed by Mr.Vanderlowen and the latter by Mr.Sreenivasa Row. Their explanations for Rs.24-14-0 apply to this item also.

Of the items Rs.247-12-5 and Rs.442-8-8, the latter was misappropriated during the time of Mr.Srinivasa Row and out of the former a sum of Rs.97-12-2 during Mr.Sreenivasa Row's time and the remainder during Mr.Vanderlowen's time. Mr.Sreenivasa Row who was called upon for an explanation states that he is paralyzed and that he could not think of any explanation as his brain is affected, but that he would submit the necessary explanations on his recovery. Mr.Vanderlowen's explanation for Rs.150 could not be got as he is reported to be dead.

The Principal Munsiff of Bangalore was directed to prepare a statement of all sums required to be advanced in consequence of misappropriation by the late

Nazir and as he was unable to do it with his limited establishment, the Auditor of Civil Courts was deputed for the work. A copy of the statement prepared by him is forwarded together with a copy of his Report. Though the total amount misappropriated by Chandrasekhariah comes up to Rs.12137-7-6 as detailed in para 3 of the Auditor's report, as several claims were satisfied by drawing money due to other persons it is not possible to say what claims have still to be met The best thing appears to be to wait till the claimants come forward and establish their claims.

I have the honor to be,

Sir,

Your most obedient servant;

Registrar.

mm

Principal Munsiff's Court,

Bangalore, 21st/24 November 1904.

No.19/Enc: 1 statement.

To,

The Registrar of the Chief Court

in Mysore.

(Through the Comptroller of Mysore.)

Sir,

Proceedings of the Chief Court of Mysore, No.2263/1197 dated 11th October 1904.

.....

As directed in the above, I beg to submit herewith a consolidated list showing the amounts to be accounted for by Chandrasekharaiya, late Nazir, Principal Munsiff's Court, Bangalore, in all aggregating Rs.12,137-7-8.

2. The list has been prepared after referring to all the materials available, but it cannot, however, be stated to be quite exhaustive owing to the confused state into which the accounts have been thrown by Chandrasekharaiya, who, in fact, as has already been pointed out by me in my report dated 21st December 1900, was manipulating the accounts in order to facilitate embezzlement carried on by him for a series of years.

3. The amounts misappropriated have been classified as under in the enclosed list:-

(a) Lump sums of money deposited in the Treasury "as witness batta &c belonging to several cases", utilized in order to satisfy the decree-holders - in certain cases whose moneys had been used otherwise.....Rs.1,905-1-8

(b) Decree amounts &c, misappropriated

i. by falsely putting them down in the cash-book as remitted to the Treasury &c, without

any

any remittance to the Treasury;

ii. by not bringing items into the cash account;

iii. by fictitious entries in the books, and that the demands from parties on account of these amounts being met from the moneys deposited on account of other cases and those of the latter likewise from some others and so on.... Rs. 6,097-2-5.

(c). And lastly decree amounts in certain cases which have yet to be paid as the moneys received on their account have been otherwise used. There may be a few more cases under this head not included in this list for want of sufficient information, but it is believed, that the number of such cases may not be many, and the claims of these will have to be verified as they come in.....Rs.4,135-3-7.

Total Rupees.12,137-7-8.

I beg to &c.

Sd. P.Gopaliengar.

Special Auditor of Civil Courts.

"Copy".

Registrar.

Mm

A consolidated list showing the amounts to be accounted for Bangalore, prepared as directed in the Proceedings of the

1	2	3	4	5	6	7	8	9	10	11
Serial No.	Case No. cited in Receipt orders &c.	Reference to Statements attached to the Audit Report dated 21st December 1900.		Receipt orders		Cheque		Date in Cash Book		Nature of receipt or payment.
		Item No.	Sht. No.	No.	Date	No.	Date	Receipt	Payment	
	(A) Lump sums of moneys deposited in the Dis utilized in order to satisfy the decree-holders in									
	Nil	1		84	5.4.88	201 217	11.9.90 24.9.90		5.4.88	Witnessing
	898 of 89	2		125	3.5.90	259	16.12.92		3.5.90	—do
	168 of 90	3		126						
	Nil	4		77	27.3.91	144	19.7.92		26.3.91	—do
	mis 679 of 93-4	5		187	16.4.94	14 24	20.7.94 4.8.94		11.4.94	—do
	" 811 of 94-5	6		280	29.4.95	7 183	8.7.95 25.2.96		15.4.95	—do
	" 221 of 95	7		112	5.11.95	147 177	6.1.96 10.2.96		4.11.95	—do
	141 of 95-6	8		152	5.12.95	163 72	28.1.96 4.4.99		4.12.95	—do
	370 of 95-6 436 of 95-6	9		262	18.4.96	39	17.8.96		18.4.96	—do
	£42 15 15 of 95-6	10		78	11.11.96	94	12.12.96		11.11.96	—do
	mis. 815 of 95-6	11		82	18.11.96	102 103 147 94 112	19.12.96 13.3.97 9.6.99 15.6.99		18.11.96	—do
	371 of 96-7	12		129	3.2.97	143 46	11.3.97 7.9.97		3.2.97	—do
	£42 15 240 of 95-6 " 370 of 93-4	13		193	5.5.97	26 59	31.7.97 16.3.99		4.5.97	—do

Carried over Rupees

by Chandrasekharaya, late nazir, Principal Munsiff's Court
Chief Court of Mysore No. 2263/1197 dated 11th October 1904.

12	13	14	15	16
Original amount of credit &c.	amount misappropriated from Column 12.	Case No. &c towards which amount in Column 13 is utilized	Munsiff in charge during the period of misappropriation -	Remarks.

							Brought forward Rupees						3887	12	-	
1420 of 95-6	142	9	-	-	50	14-9-97	not traceable	Decree amount	100	-	-	100	-	-	not sent to Treasury Ex 1313 of 96-7. Postal in the hands of Mr Vanderlowen as received on 28-8-98	Mr Vanderlowen
Mis 371 of 97-8	58	4	56	11.9.97	-	-	11-9-97	Witness batta	100	-	-	100	-	-	do Cash refunded	do
315 of 96-7	-	-	-	-	25	20-9-98	26-9-98	Decree amount	179	6	5	179	6	5	do No 357 of 97-8 from Witness batta	" B. Sreenivasa Rao
7560 of 96-7	59	4	64	7.10.97	93	10-12-97	not traceable	Sale proceeds	52	8	-	52	8	-	do No 16430 of 96-7	" Vanderlowen
630 of 96-7	60	4	88	4.12.97	114	25-1-98	3.12.97	4.12.97	Decree amount	268	1	-	268	1	-	do 2358 of 97-8	do
978 of 95-6	61	4	90	17.12.97	119	4.2-98	14 & 16 12/97	17.12.97	do	9	8	-	88	8	-	do 4260 of 96-7	do
										79	-	-				
1277 of 96-7	62	4	100	2-2-98	129	26-2-98	26-2-98		do	167	-	-	167	-	-	do from Witness batta	do
7 different Cases	63	4	108	8.3.98	several cheques Sent on	27 in all Nos 6	2 to 5 3/98	8.3.98	do	275	1	9	275	1	9	do Cash refunded	do
4300 of 95-6	64	4	-	-	-	-	-	-	attachment of pay	100	-	-	100	-	-	amounts received not brought to Cash book	75 Rs. do 25 Rs. B. Sreenivasa
7 different Cases	65	4	110	6-4-98	several cheques sent on	28 in all Nos 6	263-98 to 6.4.98	6-4-98	Decree amount	121	6	4	121	6	4	not sent to Treasury Cash refunded	Mr Vanderlowen
727 of 97-8	66	4	-	-	-	-	-	22.6.98	Witness batta	12	-	-	10	-	-	over payment	" Sreenivasa Rao
5 different Cases	67	4	113	29-4-98	-	-	2 to 16 4/98	3-6-98 16-9-98	Decree amt	44	11	10	44	11	10	do	do
10130 of 96-7	-	-	2	18-7-98	27	21-9-98	16-7-98 12-9-98 19-9-98	18-7-98 20-9-98	do	105	2	3	132	9		not sent to Treasury Paid on spurious batta	do
										27	6	9				
3990 of 95-6	68	4	-	-	50	29-9-99	1-9-98		do	338	4	-	338	4		do Rs 268/- from 7500 of 98-9	do
3300 of 93	69	4	-	-	42	7-2-99	10-8-98 3-9-98	-	attachment of pay	50	-	-	94	14	5	do 37 of 98-9	do
										44	14	5				
3624 of 97-8	70	4	-	-	-	-	28-11-98	29-11-98 28-11-98	Witness batta	3	-	-	3	-	-	Twice debited	" D'Cruz
2999 of 97-8	71	4	-	-	84 105	27-5-99 12-6-99	27-5-99		attachment of pay	50	-	-	50	-	-	not sent to Treasury Ex 904 of 98-9	" Sreenivasa Rao
	1, 2, 3, 5, 7, 9, 11, 12, 13, 14, 16 & 18		-	-	-	-				83	15	8	83	15	8	Cash refunded erroneously on various dates	" 12 - " Ramaswamy Rs. 3.378 " Singacharry 3 - " - " Vanderlowen
							Total (b) Rupees						6097	2	5	

(C). Decree amounts on certain Cases which have yet on their account have been otherwise used

164 of 88			71	20.3.88	217	24.9.90	Deficiencies							
128 of 88			162	26.6.90	268	16.12.92	do							
727 of 90	3	9	28	18.2.93	167	20.3.94	do	31	13	4	31	13	4	do No 1388 of 93-4 Withesbatta
977 of 92	-	-	112	10.6.93	73	17.11.93	do	28	5	-	28	5	-	do No 198 of 94-5
700 of 91	11	9	71	11.10.93	62	16.9.95	do	40	-	-	40	-	-	do Cash refused
131 of 91	14	9	142	30.1.94	204	1.4.95	do	14	15	8	14	15	8	do "
588 of 87	16	9	174	16.3.94	10	10.7.95	do	100	-	-	100	-	-	do "
825 of 93-4	17	9	177	20.3.94			do	45	-	-	45	-	-	do No 840 of 93-4 1297 of 94-5
400 of 93	20	9	209	18.5.94	32	12.8.95	do	60	-	-	60	-	-	do No 734 of 95-6
1098 of 93-4	23	9	2	6.7.94	37	14.9.94	do	44	8	7	99	3	7	do No 895 of 94-5
								54	11	-				
977 of 94-5	25	9	17	25.7.94	93	16.11.94	do	253	8	-	253	8	-	do No 787 of 94-5
					107	30.11.96								
Ex 1149 of 93-4	52	9	200	6.2.95	232,233	8.6.95	do	18	-	-	25	14	-	do from Withesbatta
								7	14	-				
3930 of 93-4	60	9	247	20.3.95	59	13.9.95	do	75	-	-	75	-	-	Cash realized in Municipal cheque not credited.
1628 of 93-4	-	-	298	27.6.95	28	8.8.95	do	75	-	-	75	-	-	do amount under witness batta reduced " B. Seenivasa Rao
1160 of 95-6	72	9	30	24.7.95	106	23.11.95	do	75	-	-	75	-	-	do do
1081 of 93-4	74	9	45	16.8.95	183	25.2.96	do	125	-	-	125	-	-	Ref to Treasury No 787 of 94-5 do
756 of 93-4	80	9	82	14.9.95	101	5.1.98	do	34	4	-	34	4	-	do No 1780 of 98 do
647 of 95-6	90	9	157	13.12.95	193	7.3.96	do	218	12	-	218	12	-	do No 602 of 95-6 " Vandeloven
				Carried over Rupees							3,887	12	-	

			2469	6	8
25	-	-	25	-	-
50	-	-	50	-	-
41	9	9	41	9	9
31	13	4	31	13	4
28	5	-	28	5	-
40	-	-	40	-	-
14	15	8	14	15	8
100	-	-	100	-	-
45	-	-	45	-	-
60	-	-	60	-	-
44	8	7	99	3	7
54	11	-			
253	8	-	253	8	-
18	-	-	25	14	-
7	14	-			
75	-	-	75	-	-
75	-	-	75	-	-
75	-	-	75	-	-
125	-	-	125	-	-
34	4	-	34	4	-
218	12	-	218	12	-
			3,887	12	-

Ref to Treasury No 3337 of 92 Mr Vandeloven

do No 341 of 93-4 do

do No 734 of 95-6 do

do No 1388 of 93-4 Withesbatta do

do No 198 of 94-5 do

do Cash refused do

do " do

do " do

do No 840 of 93-4 do
1297 of 94-5

do No 734 of 95-6 do

do No 895 of 94-5 do

do No 787 of 94-5 do

do from Withesbatta do

Cash realized in Municipal cheque not credited. do

do amount under witness batta reduced " B. Seenivasa Rao

do do

Ref to Treasury No 787 of 94-5 do

do No 1780 of 98 do

do No 602 of 95-6 " Vandeloven

Brought forward Rupees — to be paid as the moneys received

974 of 93-4	40	4	20	13.7.95	44	26.8.95	12.7.95	13.7.95	attachment of pay									
285 of 94-5	41	4	21	do	24	2.8.95	13-7-95		Decree amount	1/3	35	4	5	8	12	8	Paid towards Case No. 363 of 81	M.P. Sinpachar
549 of 94-5	42	4	47	17.8.95	18	20.7.96	16.8.95	17.8.95	do		9	4	-	7	-	-	do 600 of 92	do
974 of 93-4	43	4	204	24.1.96	163 / 181	28.1.96 / 25.2.96	18.1.96	24.1.96	do		88	2	9	80	-	-	do 977 of 92	do
761 of 87	44	4	205	do	199	13.3.96	16-1-96		do		180	-	-	180	-	-	do 873 of 92	do
625 of 94-5	45	4	207	27.1.96			-	27-1-96	do		31	12	11	22	-	-	do 171 of 93	M. Vandenhoven
1021 of 93-4	46	4	208	do			24.1.96	-	do		3	12	-	3	12	-	do 393 of 93	M. Sinpachar
817 of 94-5 & other Cases	47	4	229	18.2.96			-	18.2.96	Witness batta		33	8	-	33	8	-	do 567 of 93-4	M. Vandenhoven
88 of 94-5	48	4	287	8.6.96	238	17.6.96	17-6-96		Decree amount		35	14	-	23	8	6	do "	
704 of 95-6	49	4	288	do	19	20.7.96	20-7-96		do		30	12	-	20	11	3	do 604 of 93-4	do
228 of 94-5	50	4	294	16.6.96	12	11.7.96	16-6-96 / 10-7-96	11-7-96	do		45	-	-	45	-	-	do 987 of 92	M. Sinpachar
353 of 95-6	67	4	22	11.8.96	35	13.8.96	13-8-96		do		150	-	-	68	11	7	do 2198 of 91 + 90 of 94-5	do
570 of 95-6	-	-	81	8.11.97	91	8.12.97	4.11.97	8.11.97	do		200	-	-	100	-	-	do E4 391 of 94-5	M. Vandenhoven
276 of 94-5 114 of 91	52	4					7-8-96		attachment of pay		2	13	-	2	12	2	do 185 of 93-4	do
"	53	4	78	11.11.96	-		9.11.96	10.11.96	do		45	-	-	45	-	-	do 201 of 93	do
"	54	4	—	—	—			13-2-97	do		350	-	-	265	13	-	do 327 of 94-5	do
616 of 95-6	55	4	188	10.4.97	186	26.6.97		17-4-97	Decree amount		4	8	-	3	-	-	do E4 289 of 95-6	do
823 of 95-6	56	4	189	do	41	26.8.97		do	Sale proceeds		11	-	-	10	-	-	do 347 of 92	do
1119 of 96-7	57	4	41	21.8.97	49	14.9.97		14-9-97	Decree amount		110	-	-	56	9	9	do 333 of 92	do
						Carried over Rupees —								976	2	11		

Rs. 265/13/4 amount advanced by Government

Brought forward Rupees

302 of 95-6	91	9	161	13-12-95	59	30-9-96	Decree amount	23	11	9	1411	10	5		
2038 of 94-5	92	9	176	20-12-95	63	24-10-96	do	76	4	3	100	-	-	Debited in Cash book without a corresponding credit.	Mr. Sinnasamy
392 of 94-5	95	9	190	11-1-96	101	5-1-98	do	150	-	-	112	8	-	against a credit of Rs. 37/8/- Rs. 15 of - debited.	do
1114 of 93-4	103	9	257	26-3-96	87	20-11-96	do	16	-	-	15	-	-	debited without a corresponding credit	do
1184 of 94-5	110	9	17	31-7-96	83	27-5-99	do	45	-	-	45	-	-	not sent to Treasury - Case Nr. 455 of 92	do
1107 of 94-5	114	9	35	4-9-96	181	10-6-97	do	19	-	-	19	-	-	Twice debited.	do
687 of 94-5	115	9	39	5-9-96	83	27-5-99	do	19	-	-	19	-	-	not sent to Treasury - Cash paid out of witness's batta	do
582 of 93	123	9	97	16-12-96	177	5-6-97	do	135	3	6	135	3	6	do - Case Nr. 509 of 92 - Municipal cheque cashed but not credited into the cash account.	do
725 of 96-7	125	9	113	19-1-97	154	14-4-98	do	100	-	-	100	-	-	do Nr. 90 of 94-5	do
					17	17-8-98	do	87	-	9	87	-	9	do Nr. 520 of 91	do
1057 of 92	129	9	144	13-2-97	142	5-3-97	do	45	-	-	45	-	-	debited without a corresponding credit.	do
877 of 95-6	130	9	157	24-2-97	33	12-10-98	do	70	-	-	40	-	-	excess - payment	do
1149 of 95-6	131	9	164	5-3-97	do		do	18	-	-	18	-	-	fictitious entry - Cash received.	do
714 of 95-6	140	9	6	12-7-97	152	14-4-98	do	2	-	-	2	-	-	not sent to Treasury	do
753 of 93-4	141	9	14	21-7-97	18	31-7-99	do	10	-	-	10	-	-	Twice debited	do
160 of 88	143	9	45	2-9-97	98	14-12-97	do	50	-	-	50	-	-	not sent to Treasury Nr. 314 of 94-5	do
365 of 95-6	144	9	48	3-9-97	97	1-7-98	do	135	-	-	135	-	-	do Nr. 545 of 93.	a Vandeloosen
667 of 96-7	145	9	49	4-9-97	43	27-9-99	do	75	-	-	75	-	-	do Nr. 576 of 90	do
1070 of 93-4 / 393 - o - / 1373 of 95-6	157	9	82	15-11-97	3	7-7-98	do	50	-	-	50	-	-	do Nr. 974 of 93-4.	do
											2469	6	8		

Carried over Rupees

Brought forward Rupees.

115 of 91	24	4	–	–	–	–	not traceable	4.11.93	attachment of pay
934 of 92	25	4	–	–	–	–	do	6-11-93	sale proceeds
568 of 91	26	4	–	–	–	–	do	17-11-93	attachment of pay
763 of 89	27	4	102	17/20-11-93	119	23.1.94	1.7-11-93		sale proceeds
230 of 93	28	4	101	do	–	–	1.7.11.93	17-11-93 / 28.2.94	decree amount
987 of 92	29	4	–	–	–	–	16-4-94		do
384 of 93 Rs. 783	13	9	–	–	209	23.6.94	23-6-94		do
1029 of 93-4	30	4	24	31-7-94	30	18.8.94	31.7.94		do
788 of 93-4	31	4	63	1-9-94	102	23.11.94	1-9-94		do
1098 of 93-4	32	4	78	17.9.94	–	–	not traceable	17.9.94	do
500 of 93-4	33	4	–	–	–	–	do	19.10.94	do
Mio 25.7 of 94-5	34	4	–	–	–	–	–	30.11.94	witness batta
786 of 92	35	4	–	–	–	–	21.12.94	22.12.94	Decree amount
165 of 85	36	4	–	–	–	–	8.4.95	19-4-95 / 10-4-95	attachment of pay
1200 of 93-4	62	9	226	2.3.95	231	8.6.95	not traceable		Decree amount
904 of 93-4	37	4	305	20.6.95	39	15.8.95	20-6-95		sale proceeds
454 of 94-5	38	4	310	27.6.95	41	19.8.95	not traceable		do
27 of 92	39	4	19	13.7.95	37	14.8.95	10.7.95	13.7.95	attachment of pay

Carried over Rupees

			976	2	11		
26	–	–	21	–	–	Paid towards Case No 8560 of 934	M. B. Srenivasa Rao
46	10	5	45	12	–	do 171 of 94-5	do
21	7	–	20	–	–	do 3470 of 92	M. Vandeloweu
32	5	–	6	4	7	do 835 of 92	M. B. Srenivasa Rao
16	8	–	16	8	–	do 1309 of 95-6	do
57	13	2	20	–	–	do Case No not cited in the cheque	M. A. Subramanyayer Rs. 20/ since advanced by Government
9	10	11	2	–	–	do 1309 of 95-6	M. B. Srenivasa Rao
40	–	–	40	–	–	do 2039 of 96-7	do
245	–	–	194	3	8	do Rs 1550 of 96-7	106-2-11 M. Vandeloweu 88-2-9 M. Srenivasa Rao Rs 101-6-11 do
34	–	–	31	9	–	do 1068 of 94-5	do
457	8	–	400	–	–	do 1570 of 97-8	do
866	14	1	400	–	–	do	do Rs 400/- do
35	13	6	34	8	–	do 173 of 88	M. Vandeloweu
19	4	4	19	2	3	do 470 of 95-6	M. B. Srenivasa Rao
30	–	–	30	–	–	do 320 of 90	M. Vandeloweu
58	–	–	50	–	–	do	do
100	11	4	90	6	4	do 1005 of 94-5	M. Srenivasa Rao Rs. 92-7-4 do including Rs. 2/11/- amt. lapsed to Govt.
2	4	–				Counterfoil of the	do
5	–	–	32	2	–	Cheque removed	Rs 24/14/- do
24	14	–					
			2129	10	9		

Brought forward Rupees ——

1278 of 95-6	154	9	89	4.12.97				Decree amount	38	4	-	38	4	-	Debited without a cor- responding credit in the Cash book — Mr. Simpschar
2358 of 97-8	153	9	87	30.11.97	114 26	25.1.98 20.9.98		Decree amount	50	-	-	50	-	-	Amount not credited into the Treasury by mistake for which witness was examined — do
— do —	156	9	94	17.1.98	124	24.2.98		— do —	20	-	-	20	-	-	Twice debited & paid in both cases & single credit — do
									7	8	-	7	8	-	— do — do
2029 of 97-8	158	9	97	20.1.98	19 23 30	19.8.98 27.8.98 18.8.99		— do —	39	8	-	39	8	-	not credited into treasury paid out of deposit made in/of Case No 455 of 92. — do
									18	1	8	18	1	8	Twice debited. — do
	159	9	99	1.2.98	9	1.8.98		— do —	175	-	-	175	-	-	not credited into treasury paid from case No 977 of 92. — do
357 of 97-8	160	9	102	4.2.98	143 25	19.3.98 20.9.98		— do —	5	-	-	5	-	-	Twice debited — do
974 of 93-4	161	9	103	3.2.98	152	14.4.98		— do —	18	-	-	18	-	-	— do — do
"	163	9	105	14.2.98	153 156	14.4.98 15.4.98		— do —	135	4	-	135	4	-	— do — do
529 of 97-8	164	9	106	18.2.98	134 141	11.3.98 19.3.98		— do —	24	12	7	24	12	7	not credited into treasury, paid from case No 1114 of 94. R.S No and date in Ledger pleadings — do
3288 of 97-8	165	9	111	18.4.98	10 14	1.8.98 10.8.98		— do —	340	-	-	340	-	-	— do — Case No 559 of 93 & 455 of 92 — do
— do —	83	5	-	-	-	-	16.4.98	not traceable — do	57	1	-	57	1	-	Twice debited — do
Mis 793 of 97-8	166	9	113	29.4.98	2	4.7.98		— do —	50	-	-	50	-	-	— do — do
3003 of 97-8	98	5	-	-	-	-	1.8.98	— do — do	90	-	-	118	7	2	not sent to treasury. Case No 380 of 89. — do
507 of 95-6	102	5	-	-	-	-	17.8.98	— do — do	5	-	-	5	-	-	Rs 10/- debited & in stead balance of Rs 5/- — do
399 of 95-6	168	9	6	25.8.98	28 113	22.9.98 15.6.99		— do —	13	4	-	13	4	-	Twice debited — do
73.98 of 95-6	103	5	-	-	-	-	26.8.98	— do — do	100	-	-	100	-	-	not sent to treasury. Case No 1023 of 92 — do
3 of 98-9	169	9	7	28.9.98	42	7.2.99		— do —	50	-	-	50	-	-	— do — do
												1411	10	5	

Carried Over Rupees ——

Brought forward Rupees

887 of 91	5	4	233	10.10.92	—	—	not traceable	11.10.72	Sale proceeds
115 of 90	2 & 3	10	301	12.12.92	259	16.12.92	9.12.92	12.12.92	attachment & pay
434 of 84	6	4	302	—do—	—	—	9.12.92	12.12.92 17.12.92	decree amount
574 of 86	7	4	58	11.4.93	—	—	7.4.93	7.4.93 11.4.93	Sale proceeds
793 of 92	8	4	66	14.4.93	144	6.3.94	not traceable		—do—
681 of 90	10	4	101	1.6.93	—	—	1.6.93	1.6.93 11.7.93	decree amount.
873 of 92	11	4	105	3.6.93	73	17.11.93	3-6-93		Sale proceeds
165 of 85	13	4	—	—	—	—	5.6.93	7.6.93 13.6.93	decree amount
530 of 92	14	4	107	6.6.93	—	—	5.6.93	12.6.93 11.8.93	—do—
58 of 93	15	4	129	20.6.93	—	—	19.6.93	20.6.93 7.9.93	—do—
835 of 92	103	9	137	11.4.94	87	20.11.96	23.6.93	not traceable	—do—
537 & 538 of 92	16	4	132	26.6.93	106	9.1.94	23.6.93	27.6.93	—do—
57 of 91	17	4	130 5	26.6.93 4.7.93	—	—	26.6.93	27.6.93 4.7.93	—do—
115 of 91	18	4	54	31.8.93 4.9.93			19.8.93 25.9.93	31.8.93 28.9.93	attachment & pay
767 of 90	19 4	4 9	55	—do—	205	21.6.94	26.8.93	31.8.93	Sale proceeds
961 of 92	20	4	—	—	—	—	18-9-93		decree amount
30 of 93	21	4	—	—	—	—	28.9.93	29.9.93 22.1.94	—do—
380 of 93-4	22	4	69	7.10.93	29	18.8.94	4-10-93		—do—
115 of 91	23	4	82	30.10.93	—	—	13.10.93	30.10.93	attachment & pay

Carried over Rupees

			2129	10	9				
31	—	—	31	—	—	Counterfoil of Cheque removed	W. Vandelowen	Rs 31/- amount advanced by Government.	
300	—	—	300	—	—	Paid towards decree 6300 of 96-7 Rs 268-1-0 Rs 31-15-0	do Srinivasa Rao	Rs 300/- do	
11	5	9	9	8	—	—do— 4262 of 96-7	" Vandelowen		
500	—	—	442	2	8	—do— 1022 of 96-7 1558 of 95-6 3 of 98-9	203-0-0 139-2-8 100-0-0	" Srinivasa Rao	Rs 442/2/8 do
52	13	9	28	5	9	—do— Ex. 1460 of 97-8	—do—		
260	—	—	247	12	2	—do— Ex. 361 of 97-8 371 of 96-7	150-0-0 Vandelowen 97-12-2 " Srinivasa Rao	Rs 247-12-2 do	
15	—	—	15	—	—	—do— 1730 of 88	" Vandelowen		
29	8	—	21	11	—	—do— Ex. 2990 of 97-8 361 of 97-8	—do—		
73	8	—	68	1	9	—do— 5070 of 96-7 2680 of 97-8	—do—		
228	12	—	191	8	—	—do— Ex. 2005 of 97-8 Rs 1877 of 97-8	" Srinivasa Rao	Rs 228/12/- do including amount lapsed.	
23	—	2	23	—	2	—do—	—do—	Rs 23-0-2 do	
100	2	3	91	8	1	—do— not noted	—do—		
17	12	—	17	12	—		—do—	Rs 17-12-0 do	
19	6	3	19	6	3		—do—	Rs 19-6-3 do	
125	4	—	119	15	7	—do— Ex. 8237 of 95-6 1120 of 96-7	—do—		
10	6	—	10	—	—		—do—	Rs 10/- do	
100	—	—	94	15	5	—do— 330 of 93	—do—		
			3861	5	7				

				Brought forward Rupees						995	12	8			
127 of 98-9	115	5	-	-	-	-	1-10-98	not traceable		100	-	-	30	-	-	— do — 430 of 96-7	Mr. Vandelaveur
235 of 97-8	172	9	52	1299	47	28-9-99	-	-	— do —				50	12	9	— do — 344 of 94-5	do —
£4186 of 99-00													20	9	-	— do — 174 of 98-9	" B. Ramaswamy Iyengar
						Total (a) Rupees				200	-	-	110	-	7	— do — 1295 of 95-6	— do —
													18	9	8	— do — 317 of 97-8	do —
						Grand Total of (a, b & c) Rupees				200	-	-	60	-	-	— do — 436 of 96-7	" Vandelaveur
													132	9	-	— do — 1013 of 96-7	" B. Ramaswamy Iyengar
													218	5	9	— do — 57 of 95-6	" Vandelaveur
										300	-	-	81	10	3	— do — 315 of 96-7	" B. Ramaswamy Iyengar
													167	-	-	— do — 1277 of 96-7	" Vandelaveur
										200	-	-	19	12	-	— do — £4" 771 of 97-8	— do —
													1.905	1	8		

only putting them down in the Cash Book "as remitted to the Treasury items into the Cash Account (iii) by fictitious entries in the books, and that amounts being met from the moneys deposited on account of other cases so on —

24	-	-	24	-	-	Amount not credited into the treasury as stated	" B. Ramaswamy Iyengar
22	8	-	22	8	-	— do —	— do —
90	-	-	90	-	-	Twice debited against a single credit.	" P. Singaracharlu
11	4	-	10	-	-	against a balance of Rs 1/4/- Rs 11/4/- debited	— do —
			146	8	-		

Brought forward Rupees — 3861 5 7

326 of 96-7	14		205	10.6.97	42	28.8.97	10.6.97	Witness batta	5 - -	5 - -	Mr. B. Sreenivasa Rao	Rs 5/- Since additionally credited by Govt.
									390 - -	268 14 -	Paid towards Cause No 1120 of 98-9	do — Rs 268/14/- do.
269 of 96-7	15		219	30.6.97	21	26.7.97	30.6.97	— do		4135 3 7		
					26	20.9.98						
					109	13.6.99						
					112	15.6.99						
466 of 97-8	16		76	28.10.97	111	19.1.98	28.10.97	— do	pecs	12137 7 8	Twelve thousand one hundred and thirty-seven annas seven and pies eight -	
					27	21.9.98						
Nil	17		84	4.12.97	91	8.12.97	30.11.97	— do				
					25	20.9.98						
Nil	18		107	26.2.98	129	26.2.98	26.2.98	— do				
					150	6-4-98						

Total (a) Rupees

(b) decree-amounts &c, misappropriated (i) by failure "without any remittance to the Treasury; (ii) by not bringing the demands from parties on account of these and those of the latter likewise from some others and

363 of 81	1	4	166	22.3.90	217	14.9.90	28-3-90	maintenance amount
109 of 84	2	4	128	21.5.90	201	11-9-90	21.5.90	23.5.90 Sale proceeds
214 of 85	3	4	194	16.7.90	—	—	16.7.90	16.7.90 / 16.8.90 — do
806 of 91	4	4	—	—	—	—	—	23.5.92 Witness batta

Carried over Rupees —

Abstract

Mr. B. Ramasamy Iyengar	Rs 47-- --
" A. Subramanyayya	75 -- --
" D.S.A. D'Cruz	3 -- --
" P. Singachar	2807-6-5
" T.J. Vanderlowen	5069-10-10
" B. Sreenivasa Rao	4195-6-5
Total Rupees	12,137-7-8

Signed S. Gopalacharlu
Asst Auditor of Land Courts

Countersigned
D. Rajatadri Naidu
Registrar

Survey No.	as per certain	Witness	batta &c, belonging to several cases in which money had been used otherwise.				
Ra	64	11	4	22	8	-	Utilized towards case No. 109 of '84	Mr. P. Singachari
				39	3	4	- do - 363 of '87.	— do —
	16	12	10	16	12	10	- do - 115 of 90	- do -
	37	11	10	33	3	2		
	25	1	6	12	-	-	- do - Ex: 1136 /90	- do -
	70	11	4	43	8	6	- do - 531 of 93-4	— do
				3	8	-	- do 588 of '87	— do —
	76	4	10	66	10	8	- do - 559 of 93	" T. J. Vanderlooven — do —
				9	10	2	- do - Ex: 289 of 95-6	
	100	-	-	50	-	-	- do - 341 of 93-4	— do —
				50	-	-	- do - 344 of 94-5	— do —
	100	-	-	21	11	4	- do - Ex: 347 of 94-5	— do —
				62	1	4	- do - 1108 of 94-5	" B. Sreenivasa Rao
	93	11	6	90	-	-	- do - Ex: 219 of 96-7	" Vanderlooven.
	75	-	-	75	-	-	- do - 1142 of 91 / 1575 of 96	" B. Sreenivasa Rao
				66	-	-	- do - 138 of 93-4	— do —
				50	10	-	- do - 286 of 95-6	
	200	-	-	30	-	-	- do - 197 — " —	" A. Subramaniayer
				50	-	-	- do Ex: 902 of 98-9	B. Sreenivasa Rao
				-	3	1	- do 317 of 97-8	— do —
	140	-	-	25	-	-	- do - 1131 of 95-6	" A. Subramaniayer
				88	-	-	- do - 1385 of 96-7	" Vanderlooven
	90	2	3	81	4	5	- do - Ex: 57 of 97-8	— do —
				8	13	10	- do - Exs. 371 of 96-7	" B. Sreenivasa Rao
				995	12	8		

Case Nos cited in Column 2 are fictitious.

To

The Registrar,
Chief Court of Mysore
Bangalore

Sir,

With reference to the Proceedings of Government No. J. 1479-80 dated 19th March 1903, it is impossible for me to submit any Explanation when I am not allowed free access to the books and records of Bangalore Munsiff's Court.

Further, I retired six years ago, and I have been paralysed for the last seven years and on account of this illness, and after the lapse of such a long period, it is physically and morally impossible for me to give any Explanation in respect of small items which you now and again ask me to Explain

To add to this, I have no access whatever to the books of the Court even to make any attempt at Explanation -

Under these circumstances, I must submit that, as I am placed at present, I cannot venture an Explanation -

I have the honor to remain

Sir,
Your obedient
servant

Bangalore
30/9/03.

11 2/10/

To

35 Mysore 12th Oct 19

The Registrar of the Chief Court of Mysore
Bangalore

Sir

In obedience to the Chief Court's Pro: No 4998/3328 of the 27th Feb/03 and No 1210-11/40 of the 18th Augt 1903 in re Cleark of Bandana for Rs 24-16 I beg to submit the following explanation

Para 2 of Pro No 4998/3328 and Paras 2 & 3 of Pro: No 1210/40 The cheque No 3 of 7th July 1898 being a document prepared personally by the Courts Head Ministerial Offr S Sundar Rao who was sent by the Chief Court - there was no reason at the time to doubt the correctness of the cheque There was no rule at the time requiring the Presiding Offr of a Court to personally compare the Contents of a cheque with those of the Receipt Order to which it referred & also with the entries in the Deposit register before signing the cheque The said Munshy was responsible for the correctness of all cheques issued

Put up the Pro No 4998/3328 rules on the subject - A.G.

P. 15 I am enclosed to be returned a correction - all letters are which have signed

3 In the Chief Court's Pro of the 19th April/00 which was passed in the Nellamangla defalcation Case - this Honor Mr Best has acknowledged the fact that the Munsiffs in the Province had neither time to spare nor special training for the work of the examination of the Cash accts of the Courts The Chief Court's circular No 144 of the 19th Feby/900 refd to in the said Pro No 4998/3328 was issued long after the defalcations were discovered by me

now occupy important & highly positions
in the Province - I request that a day may be
kindly fixed for examining them in my pre
= sence - and the same may be intimated
to me in time - so that I may be able to attend
!! As it was I that brought to the defalcations
to light by urging on the necessity of the appointt
of an auditor & the examination of the accts
closely - I submit I am entitled to credit -
but not - blamable This explanation & the result of the
said enquiry to be held may be submitted to the Govt -
12 I respectfully further solicit the Chief
Court to peruse my letters noted on the margin
hereof and to consider whether I have not worked
hard & bonafide in restoring order in the Pil Mun
siff Court - Bangalore & in removing all
the Confusion that existed when I took charge
of the Court on the retirement of Mr Vandertown -

I have the honorable
Sir
Your most obed Servt
B Srinivasa Rao
Pelo Munsiff
Mysore

O/No 27 - 4 dated 6th July 98
2 No 671 - 268 of 10 - 2 - 1899 -
3 Also some other letters written in the second half of 1898 the
first half of 1899 - to the Registrar - Mss - I have not got

Confidential

To

The Registrar
Chief Court

26 4 00
Despatche
2714

Dear Sir,

The writing contained in the additions and alterations found in the court cheques Nos 47, 43 and 50 dated respectively 28/9/99, 27/9/99 and 29/9/ received from the comptroller with chief court's Nos 5353/3518 and 6634/3992 dated 9/3/1900 and 20/4/1900 respectively. Seems to be that of the late Narayan Chandrasa Kharia transferred to Holar Narsapur and they were unauthorized as made after the cheque were signed by the Munsiff. This circumstance coupled with the facts already stated in my several letters to chief court about the confused state of the cash accounts of this court and the descrepancies between this court's account and the Treasury accounts lead me to infer that Chandrasa Kariah is guilty of the crime of breach of trust and forgery. The ~~receipt~~ report of the result of the auditor's examination may take some months. but I am afraid that Chandrasa Kaaria may abscond meanwhile: As matters stood at present, there I think sufficiant evidence to prosecute him for forgery I learn that Chandrasa Kaaria has returned from Benares and is now in Bangalore in the Western Extention in Bangalore

If I Submit a public letter to prosecute him he might abscond and so I Submit this D.O

against him and that he may be suddenly arrested without previous intimati

As the chief judge is not here I submit this so that it may be submitted to him for early orders.

I did not mention the name of Chandrasekharia in my letter No 1607/254 of 21/3/00 for fear of his knowing the contents of the report. As there is no official to take up the work of prosecution and the Head Munshi is otherwise fully busy, the Government Advocate may be asked to take up the case. The Head Munshi will give him the necessary information.

I beg to remain &c

(true Copy)

B Rama Rao

39

Bangalore

4 December 1903

To

V. H. Raynor Patrick Woods

Esqre.

Registrar, Chief Court

of Mysore,

Sir

I have nothing to

say in the matter beyond

referring you to the

latter part of para

3 of my explanation

The Cheque in question

was drawn shortly

after my appoint

ment as Head Mun

shi now and under

what circumstances

the Magn took my
initials to the Cheque
in question. I feel
unable to say at this
distance of time
I had nothing to do
with the monetary
transaction of the
Court, since the Mun.
- Riff had Convicted
Smith in the Magn,
who was taking orders
& ca directly from the
Municipality

Your obedt Servt

Alex Dubus

Fair-draft

(1)

File No.100

Serial No.4.

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 19/5/08

Signed by Mr. K.S. Chamu Sekhara Aiyar

Read:-

Correspondence ending with letter No.5601/316 dated the 8th April 1905 from the Registrar of the Chief Court of Mysore, submitting (with reference to Govt.Proceedings No.1479-80 dated the 19th March 1903, No.147-8 dated the 16th July 1903, No.281-2,d/14-9-00 the 2nd August 1904, and No.J882-3/C. 100-2, dated the 6th October 1904,) a statement of the sums required for payment by the Principal Munsiff's Court of Bangalore in consequence of the defalcations of Chandrasekarian late Nazir of the Principal Munsiff's Court of Bangalore.

ORDER THEREON:- No.J 3310-11 C:100-4 8/19/5/05

The Government in their order No. J.1372-3, dated the 5th March 1903, emphasised the liability of certain officers to make good the amounts misappropriated by subordinate officials during the time they presided over the Bangalore Principal Munsiff's Court and the Nelamangala Munsiff's Court, respectively. As regards the former Court to which the subsequent correspondence read above is confined, the amounts found due by the presiding officers were determined to be as follows

by Mr. P.Singrachar -----Rs.2,169- 5- 5

by Mr. J. Vanderlcwen-----Rs.2,515-12- 5

by Mr. B.Sreenivasa Rao Rs. 849- 2- 3

Tctal Rs.5,534-14- 1

This amcunt was, in Gcvt.Prc.Nc.309-10/J.F.24.of 99-00, dated the 1st August 1903, ordered tc be reccvered by mcnthly deductions of ¼ of the pay and ¼ (subsequently reduced to ⅛) of the pension, as the case may be, payable tc the cfficers concerned, ~~Eventually~~ a refund being allcwed to these officers of the sums nct paid tc parties cr credited tc Gcvt. in adjustment cf advances; vide. Gcvt. Order No.J.1626-7,dated the 16th April 1903.

2. In the mean time, several additicnal claims were presented by parties in regard to sums depcsited in the same Ccurt, and in sanctioning advances of the amcunts required to meet these claims, the Gcvt. called for a report as to the cfficer cr cfficers through whcse defective supervision the defalcaticns occurred, and desired that, instead of a number of individual ccmmunicaticns regarding isclated cases, cne ccnsclidated and final list be given cf all the sums required tc be advanced in ccnsequence of misappropriations by the late Nazir Chandrasekariah. From this it is cbserved that the tctal amount cf the defalcaticns traced has, since the date of the Chief Ccurt's letter No.5326/202 dated the 16th March 1903, risen frcm Rs.5,534-14-1 tc Rs.12,137-7-8, and that cn the principle already affirmed of each officer being held responsible for amounts misappropriated during his term of office through his

3. The Chief Ct have accordingly furnished a report as well as a Consolidated statement prepared by the Auditor of the Civil Court

carelessness in supervision and failure to apply the ordinary checks, the quota payable by each of the presiding officers concerned has to be revised as shown hereunder.-

	Original quota.	Quota as revised.
Mr. Singarachar ---------Rs.	2,169-15- 3	2,807- 6- 5
Mr. Vanderlowen--------Rs.	2,515-12- 5	5,009-10-10
Mr. Sreenivasa Rao--------Rs.	849- 2- 3	4,195- 6- 5
Mr. A.Subrahmanmya Iyer- Rs.	0- 0- 0	75- 0- 0
Mr. T. S. A. D'Cruz------Rs.	0- 0- 0	3- 0- 0

This does not include the sum of Rs.47 of which Mr.B.Ramaswami Iyengar has been already absolved.) Of the above officers Mr.Vanderlowen has since died, and the question of writing off the accounts the amounts shown against his name is reserved for consideration. The Registrar of the Chief Court is requested to communicate the revised apportionment to the other officers concerned for their information. But, at the same time, since it is reported that several of the claims were satisfied by drawing money due to other persons, and that it is not possible to say exactly what claims have still to be met, the Govt.accept the opinion of the Chief Court that no recoveries beyond those already actually made need for the present, be made from the officers concerned, and that the question of further recoveries may be deferred

till the claimants come forward and establish their claims.

17-5-1905

Secy.

The Registrar of the Chief Court
The Junior Engineer

SM
18/5/05

Copied by. 18-5-05.

Examined by. SM
18/5/05